

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY AND ANN DOLAN, et. al.,

Plaintiffs,

v.

PHL VARIABLE INSURANCE
COMPANY, et. al.,

Defendants.

CIVIL ACTION NO. 3:15-CV-01987

(JUDGE CAPUTO)

ORDER

NOW, this 6th day of April, 2018 **IT IS HEREBY ORDERED** that:

- (1) Defendant Forethought Life Insurance Company's Motion to Dismiss (Doc. 95) Plaintiffs' Second Amended Complaint (Doc. 89) is **GRANTED in part and DENIED in part** as follows:
 - (a) Count II of the Second Amended Complaint is **DISMISSED with prejudice**.
- (2) Defendant North American Company For Life and Health Insurance's Motion to Dismiss (Doc. 96) Plaintiffs' Second Amended Complaint (Doc. 89) is **GRANTED**, and Counts I and II of the Second Amended Complaint are **DISMISSED with prejudice**.
- (3) Defendant Allianz Life Insurance Company of North America's Motion to Dismiss (Doc. 97) Plaintiffs' Second Amended Complaint (Doc. 89) is **GRANTED**, and Counts I and II of the Second Amended Complaint are **DISMISSED with prejudice**.
- (4) Defendant PHL Variable Insurance Company's Motion to Dismiss (Doc. 98) Plaintiffs' Second Amended Complaint (Doc. 89) is **GRANTED in part and DENIED in part** as follows:

- (a) Count II of the Second Amended Complaint is **DISMISSED with prejudice.**

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge